

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL BEVERAGE CORPORATION,

Plaintiff,

v.

OAK BEVERAGES, INC.; VICTORIA
BEVERAGE, INC.; and DEALY &
SILBERSTEIN, LLP (solely in its capacity as
Escrow Agent),

Defendants.
----- X

Civ. Action No.
07 CIV 6063 (NRB)

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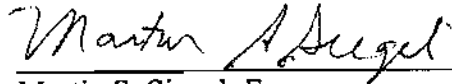
**JOINT STIPULATION AND ORDER OF DISMISSAL
WITH PREJUDICE**

Pursuant to a Settlement Agreement, Plaintiff Capital Beverage Corporation and Defendants, Oak Beverages, Inc., Victoria Beverage, Inc., and Dealy & Silberstein, LLP, solely in its capacity as the Escrow Agent, through their undersigned counsel, hereby stipulate to the dismissal with prejudice of this action, including all claims that were asserted or could have been asserted herein (the "Action"), pursuant to Fed. R. Civ. P. 41(a)(1). Pursuant to the Settlement Agreement, the Parties further agree that the Parties shall respectively bear their own costs and attorneys' fees and that this Court shall retain jurisdiction to resolve all matters relating to the Action, including enforcement of the Settlement Agreement.

SO ORDERED this 8th day of September, 2008.


U.S.D.J.

WITH THE CONSENT OF:



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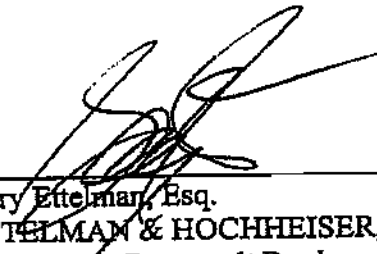
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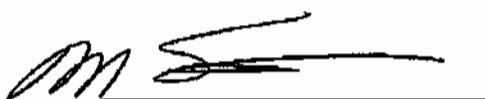
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